

REMARKS

Claims 1-21 and 23-26 are pending in this application.

The Office Action rejected claims 1-6, 10-21, and 23-26 under 35 U.S.C. §103(a) as being unpatentable over Bertsch et al. (hereinafter “Bertsch”), U.S. Patent No. 6,357,460, in view of Meret, Great Britain Patent No. 2 199 734. The rejection is respectfully traversed.

The Office Action asserts that Bertsch teaches all the claimed features except “fails to teach the upper spray arm to be reversible and thus spray in either an upward or downward direction as desired.” The Examiner then asserts that Meret teaches these features, and then concludes that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of reversible and remountable spray arms in Bertsch to achieve desired cleaning means as motivated by Meret...Meret encourages remounting the spray arms to direct washing fluid either upward or downward depending on whether the dishwashing machine is full or only has items in the lower rack.”

However, independent claim 1 recites *inter alia*, “wherein the first nozzle comprises first and second nozzle sections each of which is...rotatable about a horizontal axis.” Independent claim 19 recites, *inter alia*, “wherein the open end of the first and second nozzle sections is independently coupled to the first and second openings of the fixed central piece and rotatable, and wherein the first and second nozzle sections are rotatable about a horizontal axis thereof while the fixed central piece remains stationary so as to adjust a position of the first surfaces of the first and second nozzle sections and the plurality of holes therein.” Bertsch and Meret, taken

alone or in combination, fail to disclose or suggest such features, or the respective claimed combinations of independent claims 1 and 19.

That is, Meret discloses a dishwasher with a rotary spray arm having means for selectively altering spray direction. That is, referring, for example, to Figure 1, Meret discloses a dishwasher having a washing tub 5, a lower basket 6 and an upper basket 7 for supporting dishes to be washed, a water recirculating pump 8, and upper and lower rotary arm members 9, 11. Figure 2 shows nozzles 12 formed in an upper portion of upper rotary arm 11. Meret teaches that the rotary arm 11 is formed of a single, hollow body that communicates with supply pipe 15 via hole 13. Figure 3 shows a holder 18 provided surrounding the rotary arm 11. The holder 18 includes a fixed first portion 19, a hinged second portion 20, and a latching coupling means 21. Meret teaches that when a reduced number of dirty dishes are provided in only the lower basket 6, the rotary arm 11 may be removed, inverted, and re-mounted to spray only downward, with hole 16 communicating with supply pipe 15 and plug 17 in the hole 13. Figure 4 shows an alternate embodiment with nozzles 12 and 22 provided in both an upper and lower part of the rotary arm 11. A slider 23 is provided to provide for only upward or downward directed jets of water from rotary arm 11.

Therefore, in the Meret apparatus, the direction of the washing fluid is changed by removing, inverting, and remounting (not rotating) the rotary member 11 (which corresponds to the claimed nozzle assembly) as a whole using the holder 18 and the removable plug 17. See page 3, lines 11-29 of Meret. The rotary member 11 is not rotated with respect to a horizontal

axis. The meaning of “rotary” in “the rotary member” is that the rotary member 11 rotates with respect to a vertical axis 14 when washing dishes. As explained in detail in Meret, in order to change the direction of the washing fluid, it is necessary to first open the holder 18 and then to remove the rotary member 11 as a whole. After removing the rotary member 11 from the supply pipe 15, the rotary member 11 is inverted in position and remounted to the supply pipe 15 in an inverted position. Finally, the holder 18 is closed in order to fix the inverted rotary member 11. Thus, the structure and operation of Meret is complicated.

Thus, although Meret does teach changing a direction of washing fluid, the structure of Meret is very different from the claimed features of independent claims 1 and 19. With the claimed features of independent claims 1 and 19, to selectively change the direction of washing fluid, the first and second nozzle sections of the (first) nozzle, each of which is independently coupled to the fixed central piece, are each rotated about a horizontal axis. Thus, it is very simple and easy to change the direction of the washing fluid, since merely rotating the first and second nozzle sections with respect to the fixed central piece about the horizontal axis changes the direction of the washing fluid.

As explained above, Meret is totally different in structure from the claimed features. In order to change the direction of the washing fluid, while Meret has the holder 18 and the removable plug 17 and the rotary member 11 does not rotate about a horizontal axis, the claimed features include a rotatable coupling between the fixed central piece and the first and second nozzle sections with respect to a horizontal axis. Further, the claimed features have

many advantages such as simple structure and simple operation.

In view of the foregoing remarks, it is respectfully submitted that Bertsch and Meret, taken alone or in combination, fail to disclose or suggest all of the claimed features, or the respective claimed combinations of independent claims 1 and 19. Accordingly, the rejection of independent claims 1 and 19 over Bertsch and Meret should be withdrawn. Dependent claims 2-6, 10-18, 20-21, and 23-26 are allowable over Bertsch and Meret at least for the reasons discussed above with respect to independent claims 1 and 19, from which they respectively depend, as well as for their added features.

The Office Action rejected claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over Bertsch and Meret, in view of Payzant, U.S. Patent No. 5,725,002. The rejection is respectfully traversed.

Dependent claims 7-9 are allowable over Bertsch and Meret at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features. Payzant fails to overcome the deficiencies of Bertsch and Meret, as it is merely cited for allegedly teaching use of a pair of O-rings to connect surfaces between a fixed central piece and first and second nozzles. Accordingly, the rejection of claims 7-9 over Bertsch, Meret, and Payzant should be withdrawn.

Serial No. **10/721,737**

Docket No. **K-0583**

Amendment dated **July 31, 2008**

Reply to Office Action of **March 31, 2008**

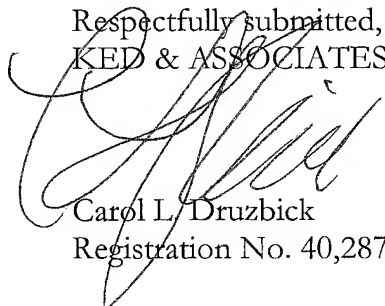
CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



Carol L. Druzick
Registration No. 40,287

Correspondence Address:

P.O. Box 221200

Chantilly, VA 20153-1200

703 766-3777 CLD:dak

Date: July 31, 2008

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